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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,376	11/26/2001	Matthias Herrmann	10191/1962	*9725
26646	7590	06/18/2004	EXAMINER PHAN, HUY Q	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			ART UNIT 2685	PAPER NUMBER 6

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/913,376

Applicant(s)

HERRMANN, MATTHIAS

Examiner

Huy Q Phan

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 14-26 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 26 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Drawing is objected to because of the following informalities: all boxes should have descriptive labels.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14, 17, 18, 19, 24 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Ryan (US-5,524,051).

Regarding claim 14, Ryan discloses in figure 1, a receiver (10) for receiving a radio broadcasting signal (col. 3, lines 23-45), the receiver comprising:

a signal decoder (16) for decoding an encoded signal contained in encoded form in the radio broadcast signal, the encoded signal including at least one of an audio signal in encoded form and a data signal in encoded form (col. 3, lines 23-45); wherein: the encoded signal is only decoded when the signal decoder obtains an external authentication signal that is received via an external transmission path that is different

from a transmission path of the radio broadcast signal (col. 3, lines 45-50 and col. 6, lines 26-64); and

at least one component (40) of the receiver is controllable using a control signal transmittable (20) via the external transmission path (col. 6, line 26-64).

Regarding claim 17, Ryan discloses a receiver as recited in the rejection of claim 14, further comprising:

a control (fig. 1, box 20) unit having a processor (col. 3, lines 44-50) for controlling the signal decoder (16) and predetermined components (16 and 28) of the receiver via a control bus (22) ; and a communication link (42) provided between the control unit (20) and the external transmission path, the communication link including one of a wire communication link (col. 4, lines 26-29) and an infrared interface communication link; wherein the control unit (20) transmits the authentication signal (22a) to the signal decoder (16) when the control unit receives the external authentication signal (42) from the external transmission path (col. 6, lines 26-64).

Regarding claim 18, Ryan discloses a receiver as recited in the rejection of claim 17, further comprising: an input (40) and output device (38) connected to the control unit (20).

Regarding claim 19, Ryan discloses a receiver as recited in the rejection of claim 14, further comprising:

a receiving part (fig. 1, box 12) for demodulating a baseband signal from the radio broadcasting signal (col. 3, lines 23-45); and

a post-connected audio-signal processing unit (39 and 30); wherein the signal decoder (16) is situated in a signal path between the receiving part (12) and the post-connected audio-signal processing unit (39 and 30).

Regarding claim 24, Ryan discloses in figure 1, a method for receiving a radio broadcast signal (col. 3, lines 23-45), the method comprising:

decoding an encoded signal contained in encoded form in the radio broadcast signal when an external authentication signal is received via an external transmission path different from a transmission path of the radio broadcast signal (col. 3, lines 46-51 and col. 6, lines 26-64), the encoded signal including at least one of an audio signal in encoded form and a data signal in encoded form (col. 3, lines 23-45); and

controlling at least one component of a receiver (40) for the transmission path of the radio broadcast signal using the external transmission path (col. 6, lines 26-64).

Regarding claim 26, Ryan discloses a receiver as recited in the rejection of claim 17, wherein the predetermined components (fig. 1, box 12) of the receiver (10) include a data decoder (16) having an output (38) connected to the control unit (20).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15, 16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan in view of Abraham (US-4,567,512).

Regarding claim 15, Ryan discloses a receiver as recited in the rejection of claim 14, wherein: the external transmission path includes a voice recognition device (fig. 1, box 40 and col. 46-50) and connected to the receiver (10) via a communication link (42); the communication link including at least one of a wire communication link (col. 4, lines 26-29), an air communication link, and an infrared interface communication link; and the mobile radio-communication device is for receiving the external authentication signal and transmitting it to the receiver via the communication link (col. 6, lines 26-64).

But, Ryan fails to explicitly show wherein the external transmission path includes a mobile radio-communication device complying with a GSM/UMTS standard. However in analogous art, Abraham teaches wherein the external transmission path includes a radio-communication device (30). Since, Ryan and Abraham are related to a method for receiving broadcast signal required additional authentication signal; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Ryan by specifically having the external transmission path including radio-communication device as taught by Abraham for purpose of controlling advantageously unauthorized users from receiving authorized broadcast signal by

receiving additional authentication signal from the external transmission path including a radio-communication device.

But, Abraham does not particularly show a radio-communication device being a mobile radio-communication device complying with a GSM/UMTS standard. However, the examiner takes official notice that a wireless receiver complying with a GSM/UMTS standard is extremely well known in the art for receiving authentication signal from a GSM/UMTS network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the receiver of Ryan and Abraham by specifically having a mobile radio-communication device complying with a GSM/UMTS standard in order to enhance capability of the receiver in cooperating with one of the most well known wireless communication network such as GSM/UMTS.

Regarding claim 16, Ryan and Abraham disclose a receiver as recited in the rejection of claim 15. Ryan further discloses wherein the mobile radio-communication device (40) and the receiver (10) are situated in a common housing (fig. 1).

Regarding claim 25, Ryan discloses a receiver as recited in the rejection of claim 24, wherein a mobile radio-communication device (40) connected to the receiver (10) by a communication interface (42), the communication interface including at least one of a wire communication interface (col. 4, lines 27-29), an air communication interface, and an infrared interface communication interface (col. 4, lines 63-65).

But, Ryan does not expressly disclose wherein the external authentication signal is transmittable via a mobile telephony network by a mobile radio-communication device connected to the receiver. However in analogous art, Abraham teaches wherein the external authentication signal is transmittable via a telephony network (fig. 1, box 12 and col. 4, lines 32-67). Since, Ryan and Abraham are related to a method for receiving broadcast signal required additional authentication signal; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Ryan by specifically having the external authentication signal being transmittable via a telephony network as taught by Abraham for purpose of controlling advantageously unauthorized users from receiving authorized broadcast signal by transmitting additional authentication signal via a telephony network.

But, Abraham fails to particularly show a telephony network being a mobile telephony network. However, the examiner takes official notice that a wireless receiver is extremely well known in the art for receiving authentication signal from a mobile telephony network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Ryan and Abraham by specifically having the external authentication signal being transmittable via a mobile telephony network in order to make the receiver becoming portable.

Allowable Subject Matter

4. Claims 20-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Maillard et al. (US-6,466,671) disclose a receiver for encrypted broadcast signals.

Yoshida et al. (US-6,411,712) disclose a digital broadcast receiver.

Agbaje-Anozie (US-5,642,397) disclose broadcast baseband signal.

Salo et al. (US-2002/0021809) disclose a digital television receiver.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 703-305-9007. The examiner can normally be reached on 8AM-5PM.

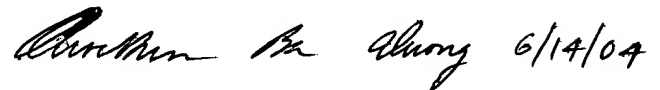
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Urban F Edward can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phan, Huy Q

AU: 2685

Date : June 04, 2004



QUOCHIEN B. VUONG
PRIMARY EXAMINER